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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

DATA SCAPE LIMITED,

Plaintiff,

v.

WESTERN DIGITAL
CORPORATION, WESTERN
DIGITAL TECHNOLOGIES, INC.,

Defendants.

Case No. 8:18-cv-02285-DOC-KESx

**DATA SCAPE'S NOTICE OF
SUPPLEMENTAL AUTHORITY
RE: MOTION TO ALTERN OR
AMEND A JUDGMENT
REGARDING DKT. NO. 41 AND
FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT**

District Judge: Hon. David O. Carter

Original Complaint Filed:
December 26, 2018

Plaintiff Data Scape Limited (“Data Scape”) provides this Notice of Supplemental Authority to bring to this Court’s attention Federal Circuit’s opinion in *Cellspin Soft, Inc. v. Fitbit, Inc.*, a relevant and precedential decision issued today. *See* Ex. A. In *Cellspin Soft*, the Federal Circuit reversed a district court decision granting a Rule 12(b)(6) motion to dismiss an amended complaint based on patent-ineligibility, because “the district court erred by not accepting those [amended] allegations as true.” *Id.* at 20. In so doing, the Federal Circuit held that specific, plausible allegations regarding any question under *Alice* Step 2 must be accepted as true at the pleadings stage, even if those allegations are not also “listed” in the patent’s intrinsic record. *Id.* at 17-22.

This new, precedential decision bears directly on and supports the arguments briefed in Plaintiff’s Motion to Alter or Amend Judgment Regarding Dkt. No. 41 and for Leave to File First Amended Complaint (Dkt. No. 48) and its Reply (Dkt. No. 50). *See, e.g.*, Dkt. No. 48 at 5-13; Dkt. No. 50 at 11-17. It also contradicts Defendants’ arguments in opposition, particularly those regarding whether Data Scape’s amended complaint is futile. *See* Dkt. No. 49 at 13-24.

Respectfully Submitted,

Dated: June 10, 2019

/s/ Reza Mirzaie
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing document has been served on June 25, 2019 to all counsel of record via the Court's CM/ECF system.

Dated: June 25, 2019

/s/ Reza Mirzaie